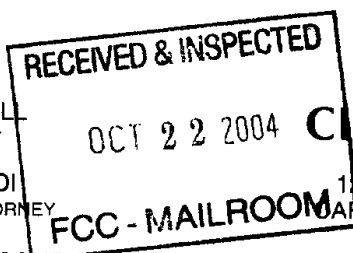


EX PARTE OR LATE FILED

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RANDEE HARLIB
SECRETARY TO CITY ATTORNEY
ARDIS SEIDEL
LEGAL SECRETARY/PARALEGAL

October 14, 2004

Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: REVIEW OF THE EMERGENCY ALERT SYSTEM,
EB DOCKET NO. 04-296

Dear Chairman Powell:

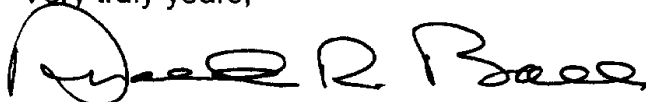
Municipalities need a means to alert their residents about local emergencies such as local severe weather conditions, unexpected road/bridge closings, local toxic waste spills, gas main leaks or water system problems. As a result, for decades municipalities have required local emergency alert systems in their cable franchises. They allow municipalities to communicate directly with their residents, without going through third parties and without alerting other communities. Such local alerts are not appropriate for and are not carried by the more recent regionally oriented current Federal Emergency Alert System, which typically serves several counties. They are also used as a backup in case the Federal Emergency Alert System does not work. The FCC has strongly supported cable local emergency alert systems in the past against attempts to preempt them.

We are concerned that your current rulemaking on emergency alert systems doesn't acknowledge cable local emergency alert systems and seems inclined to preempt them, despite the FCC's past support for them. You do not have the power to preempt them because they are provided for in cable franchises, and Congress didn't give you the authority to preempt them. We are also concerned that the new Federally governed national alert system proposed in the rulemaking does not take municipalities into account or their need to have direct, effective, immediate means for alerts targeted to their residents.

Please make sure that you do not preempt the local emergency alert systems provided for in cable franchises across the country. If you do create a new Federally governed

national alert system please make sure that it provides for participation by municipalities and allows them to send alerts directly (without the intervention of a third party) targeted to their residents in the event of a local emergency.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ronald R. Ball". The signature is fluid and cursive, with the first name "Ronald" being more prominent and the last name "Ball" following in a similar style.

RONALD R. BALL
City Attorney

rmh

c: Mayor and City Council
City Manager
Assistant City Attorney
Senior Management Analyst Garuba